THE HONUORABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27882 OF 2005

Dated: 29-12-2005

Between

B. Rajlingam, S/o. Late Buchaiah,

Occ: Business, 13-6-675, Karwan

Hyderabad and others.

...PETITIONERS

AND

The Commissioner of Police, Hyderabad

and others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the third respondent in not taking any action on their representations dated 30.11.2005 and 08.12.2005 for giving protection from the fourth respondent and his henchmen in respect of property bearing Plot Nos.19 to 26 totally admeasuring 4722 Sq. yds, in S.No.205 in Ward No.13, Block No.6, situated at Gudimalkapur, Hyderabad as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners have filed suits in O.S.Nos.8015, 8016, 8038 and 8039 of 2005 on the file of the IX Junior Civil Judge, City Civil Court, Hyderabad.

The learned Judge by order dated 06.12.2005 in I.A.No.1234 of 2005 in O.S.No.8015 of 2005 and I.A.No.1235 of 2005 in O.S.No.8016 of 2005 and order dated 07.12.2005 in I.A.No.1238 of 2005 in O.S.No.8038 of 2005 and I.A.No.1239 of 2005 in O.S.No.8039 of 2005 respectively directed both the parties to maintain status quo obtaining as on that day. The learned counsel further submits that as the fourth respondent being an MLA, the petitioners apprehending force and threat from him filed a representation dated 08.12.2005 before the Station House Officer, Langerhouse Police Station, to grant police aid for implementation of the status quo as ordered by the Civil Court.

Without expressing any opinion on the merits as to who is in possession of the said lands in question and as the competent Court has passed the status quo order, this Court feels that it is the duty of the concerned police, in whose jurisdiction the lands are situated,
to implement the status quo orders.

Having regard to the facts and circumstances of the case,
the third respondent is directed to ensure the implementation of the status quo orders, granted by the Civil Court pending disposal of the I.As, in accordance with law. The Civil Court also shall take all necessary steps to dispose the I.As pending on its file as expeditiously as possible.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 29, 2005

DSK